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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,516	12/08/1999	KLAUS MULLER	732/000012	6567

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EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 04/25/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,516

Applicant(s)

MULLER ET AL.

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

1. Amendment filed on February 24, 2003 has been entered. Claims 1-6, 8-13 are pending in the application. Claims 11, 12 are withdrawn from consideration as directed to a non-elected invention.

Claim Objections

2. Claim 2 is objected to because of the following informalities: a phrase "from said reinforced thermoplastic polymer thermoplastic polymer" should be changed to -- from said reinforced thermoplastic polymer --.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Rejection of claim 1, lines 12-15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. **Claims 1, 3, 4, 8-10** stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 5,139,854) for the reasons of record as set forth in Paragraph No. 7 of the Office Action mailed on September 25, 2002 (Paper No. 13).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 3-5, 8, 13** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al (US 5,342,666) in view of Johnson (US 5,139,854) for the reasons of record as set forth in Paragraph No. 9 of the Office Action mailed on September 25, 2002 (Paper No. 13).

9. **Claim 2** stands rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,139,854) for the reasons of record as set forth in Paragraph No. 10 of the Office Action mailed on September 25, 2002 (Paper No. 13).

10. **Claim 5** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,139,854) in view of Miyakoshi (US 5,827,788) for the reasons of record as set forth in Paragraph No. 11 of the Office Action mailed on September 25, 2002 (Paper No. 13).

11. **Claim 6** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,139,854) in view of Pelzer (US 6,019,923) for the reasons of record as set forth in Paragraph No. 12 of the Office Action mailed on September 25, 2002 (Paper No. 13).

Response to Arguments

12. Applicants' arguments filed February 24, 2003 have been fully considered but they are not persuasive.

(A) Applicants argue that contrary to applicants' 3-layer composite Johnson's composite requires 4 layers as shown in Figs. 1 and 2.

The Examiner respectfully disagrees with this argument. As pointed out in the Office Action mailed on September 25, 2002 (Paper No. 13), Johnson teaches that a layer 3 is **optional** (See Fig. 2; column 6, lines 22, 60), i.e. Johnson certainly teaches a 3-layer composite. Johnson further teaches that a pigmented composition, which is used as a basecoat (**layer 2**) of a clear coat/basecoat finish, has **excellent adhesion** to those **polymeric substrates used to form laminates and composites** (See column 2, lines 54-65). In other words, a layer 2 can be attached to polymeric substrates used to form laminates and composites without the adhesive layer 3.

(B) Applicants argue that all layers of Johnson's composite comprise organic liquids, polyesterurethanes and/or multifunctional organic polyisocyanate cross-linking agents, which are particularly avoided in applicants' invention.

The Examiner respectfully disagrees with this argument. Johnson teaches that particularly useful thermoformable resins used for the flexible layer 4 (backing layer) are polyethylene, polystyrene, and glycol modified polyethelene terephthalate (polyester) (See column 9, lines 64-69), i.e. exactly the same material as recited in claim 1.

(C) Applicants argue that contrary to applicants' 3-layer composite, Ellison's composite requires an adhesive layer. Moreover, a layer 13 of Ellison is the *top* pigmented layer.

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The Examiner respectfully disagrees with this argument. The layer 13 of Ellison is not necessarily the *top* pigmented layer. In column 4, lines 15-22, Ellison teaches that for certain automotive styling effects, the cast film 13 may be formed of **multiple** layers of liquid cast molecularly unoriented polymer; for example, the glossy wet look of a base coat/clear coat automotive finish is achieved by a combination of layers, with the outer or top layer being a transparent layer of high gloss and optical clarity, and with an underlying opaque layer containing colored and/or metallic pigments providing the desired color.

As to adhesive layer in Ellison's composite, Johnson teaches that a pigmented composition, which is used as a basecoat (**layer 2**) of a clear coat/basecoat finish, has **excellent adhesion** to those **polymeric substrates used to form laminates and composites** (See column 2, lines 54-65). In other words, a layer 2 can be attached to polymeric substrates used to form laminates and composites without the adhesive layer 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached pigmented basecoat of layer 13 to a backing layer 20 in a composite of Ellison et al without a bonding layer 14 with the expectation of providing excellent adhesion of the pigmented basecoat of layer 13 to the backing layer 20 since Johnson teaches that a pigmented composition, which is used as a basecoat of a clear coat/basecoat finish, has excellent adhesion to those polymeric substrates used to form laminates and composites.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Elena Tsoy
Examiner
Art Unit 1762

April 22, 2003



SHRIVE P. BECK
SUPERVISORY PATENT EXAMINER
ART UNIT 1700